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Shaping a New Type of Hearing: Training Future Lawyers in Online Mediation - insights from a pilot Project

Conference or Workshop Item

How to cite:

Wolfreys, Allison (2019). Shaping a New Type of Hearing: Training Future Lawyers in Online Mediation - insights from a pilot Project. In: International Journal of Clinical Legal Education Conference 2019, Jul 2019, Bratislava - Slovakia.

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Version: Version of Record

Link(s) to article on publisher's website:

<https://www.northumbria.ac.uk/about-us/news-events/events/2019/07/ijcle-2019/ijcle-presentations>

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Shaping a New Type of Hearing

Training Future Lawyers in Online Mediation
-insights from a pilot project -

by Allison Wolfreys



Justice in Action

Online mediation pilot project
for our final year LLB students

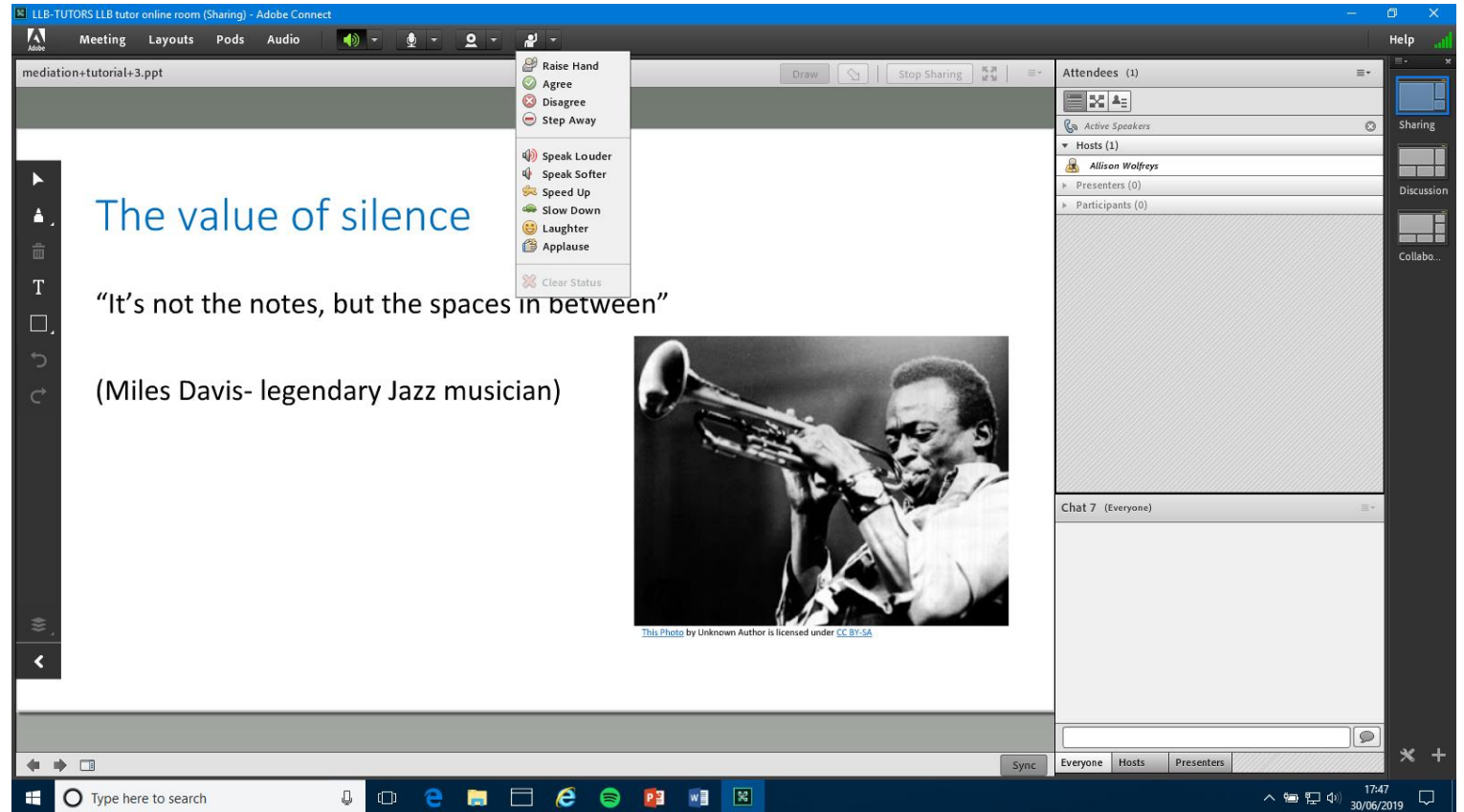
Written and delivered
by Allison Wolfreys and Bryony
Gilbert

Objectives of today's session

- Snapshot of some of the content
- Explain the design of the sessions and the underlying pedagogy
- Explain how we developed the students' communication skills
- To share student insights into their experiences in the project - observations on the advantages/disadvantages of online mediation

Justice and Mediation

Screenshot of the Adobe platform





Design, Practicalities & Pedagogy

- Throughout the sessions, students use small group private rooms (breakout) as well as whole group responses and adobe tools
- Role Play
- Modelling
- Actors fully briefed
- Experiential
- Reflective

Content snapshot

Lawyers and Mediators

Values

Techniques

Structure

Challenge of online Mediation
(Employment law dispute)



Jolly Sweets and Greenfield Farm

- Commercial Problem scenario – Law Student Responses

Role of Mediators and Solicitors Compared

Are impartial

Give information not advice

Facilitate sessions but client owns process

Do not create a binding outcomes

Duty of confidentiality with the mediation, but may not keep secrets from the other client

Solicitors

Represent one party

Give legal advice

Controls process – take action on behalf of clients

Creates a binding outcome

Duty of confidentiality to client

Values/ethical issues – ticks, crosses and polls

Ali and Dave are in dispute over a house that Ali rents from Dave. Ali feels the house is in disrepair. Dave claims that Ali has not paid his rent.

Ali is married with a young family

Dave is adamant that he wants Ali out of the property

Ali has limited knowledge of English

Dave is over 80

There is a court order in force preventing Dave from harassing Ali

Ali has an old conviction for dishonesty



Ethics, Suitability and Key Features

- Screening
- Ethical issues and dilemmas
- Suitability for mediation
- Voluntary
- Confidential
- Impartial
- Mediators facilitate, but the participants own the process



Techniques

- Active Listening
- Acknowledging and Mutualising
- Reframing
- Feeding back/clarifying
- Paraphrasing
- Keeping charge, intervening to summarise
- Use the silence
- How to structure the mediation and set the tone
- Provided with character briefs - Nina and Gus and Mediators – why ?

Minis - Carousel

Mini one - in groups of four in breakout rooms – Mediators provide the opening statement and agree the agenda, clients to say a bit about what brought them to mediation

Mini two - exploring the issues and identifying the options


Mini three -agreeing options and reality testing

Mini four - finalising the mediation



You act for 360 mediation service

- The set up, the actors and the briefs.
Organising the full simulated sessions.
- Breakout rooms, for full session.



Outcomes and feedback from the role players

“Exhausting – but fun”

“ It was hard to not advise”

“Ok online rather than face to face, in some ways better”

“I can see how I need to use my voice carefully in the set up.”

“I want to set up a mediation service”

“Can we come back as clients next year”



Overview and Conclusion

- Reflected on the possibilities and advantages of online mediation to solve some types of disputes
- Successful project that trained future lawyers in constructive mediation techniques



Any Questions ?